

## First Supplement to Memorandum 85-14

Subject: Study L-1030 - Probate Code (Distribution Without Administration)

This supplement deals with the narrow problem of collection by the surviving spouse of compensation owing to a deceased employee spouse.

In the revision of the general statute governing collection of personal property by affidavit, the staff recommends that a provision be included that the affidavit procedure cannot be used to collect personal property until 40 days have elapsed since the death of the decedent. This provision is discussed in Memorandum 85-14. If this provision is adopted, there will be a need for a provision that permits a surviving spouse to collect compensation owing to a decedent without the 40-day delay. But, even if this provision is not adopted, there is a need to permit a surviving spouse to collect compensation owing to the decedent without regard to the size of the estate. This will, for example, provide cash to a nonemployed surviving spouse during the time immediately after the death of the employed spouse.

The draft provision attached as Exhibit 1 is drawn from the Arizona statute. It permits a surviving spouse to collect the amount of compensation owed to the decedent, not exceeding \$5,000, upon the basis of a simple affidavit provided to the employer. Some of the details of this provision are drawn from the comprehensive statute attached to Memorandum 85-14 permitting collection or transfer of personal property by affidavit.

It should be noted that the attached draft statute is needed only where the employer has not adopted some provision to deal with this problem. Section 160 of the Probate Code recognizes an employment agreement that permits the employee to designate a person to receive compensation owing the employee when the employee dies, and such compensation can be paid without regard to amount or the person to whom it is to be paid. Also, by statute, a public employee is permitted to designate a person to receive compensation owing to the employee when the employee dies, and such compensation is paid to the person designated without regard to the amount. For background on the state employee provisions

relating to this matter, see Exhibit 2 attached. The state employee provisions are interesting because they deal with various problems presented by such a payment system.

Respectfully submitted,

John H. DeMouly  
Executive Secretary

EXHIBIT 1

SECTION TO BE ADDED TO PART THAT SUPERSEDES §§ 649.1-649.5  
(PASSAGE OF PROPERTY TO SURVIVING SPOUSE WITHOUT ADMINISTRATION)

405/186

§ 9 . Collection of salary and other compensation, not exceeding  
\$5,000, by affidavit

9\_\_ . (a) At any time after the death of a decedent, any employer owing salary or other compensation for personal services of the decedent, including compensation for unused vacation, shall pay to the surviving spouse of the decedent the amount owing, not in excess of five thousand dollars (\$5,000), upon being presented an affidavit made by or on behalf of the surviving spouse stating that the affiant is the surviving spouse of the decedent, or is authorized to act on behalf of the spouse, and that no proceeding is pending or has been conducted in this state for administration of the decedent's estate. Reasonable proof of the identity of the surviving spouse also shall be provided to the employer, and proof of identity that is sufficient under Section 9633 is sufficient proof of identity for the purposes of this section.

(b) Receipt by the employer of the affidavit constitutes sufficient acquittance for the compensation paid pursuant to this section and discharges the employer from any further liability with respect to the compensation paid. The employer has no duty to see to the application of the money paid or to inquire into the truth of any statement in the affidavit.

(c) If the employer refuses to pay as required by this section, the surviving spouse may recover the amount the surviving spouse is entitled to receive under this section in an action brought for that purpose against the employer.

(d) Nothing in this section limits the rights of the decedent's heirs or devisees. Any person to whom payment is made under this section is answerable and accountable therefor to the personal representative of the decedent's estate and is liable for the amount of the payment to any other person having a superior right to the payment received.

(e) The procedure provided in this section is in addition and not in lieu of any other method of collecting compensation owed to a decedent.

(f) A declaration under penalty of perjury under the laws of the State of California may be used in place of the affidavit required by this section.

Comment. Section 9\_\_\_ is a new provision designed to provide a clear and simple procedure that permits a surviving spouse immediately to collect not more than \$5,000 of the earnings owned by an employer to the deceased spouse. Subdivision (b) protects the employer who pays compensation owing to a deceased spouse to the surviving spouse. If the employer does not personally know the surviving spouse, reasonable proof of identity must be provided to the employer. Section 9\_\_\_ permits the affidavit to be executed by a person acting on behalf of the surviving spouse. This permits the conservator of the estate of the surviving spouse to use this section to collect compensation owing to the deceased spouse.

Section 9\_\_\_ is drawn from Sections 9630-9644 (affidavit procedure for collection or transfer of property of small estate). However, use of the procedure under Section 9\_\_\_ applies without regard to the amount of the decedent's estate; use of the procedure is not limited to cases where the estate is a small estate.

The procedure provided by Section 9\_\_\_ is in addition and not in lieu of any other method of collecting unpaid compensation owned to a decedent. See, e.g., Section 160 (payment of money due to decedent to person designated by decedent), [650-657] (court order determining that property passed surviving spouse), 9630-9644 (affidavit procedure for collection or transfer of personal property of small estate). See also Gov't Code §§ 12479 (designation by state employee of person to receive warrants upon employee's death), 53245 (designation by public employee of person to receive warrants upon employee's death).

## DISBURSEMENTS

## RELEASE OF FUNDS AND PROPERTY OF DECEASED PERSONS

## GENERAL (Revised 8/81)

8429.1

State employees may designate an individual who upon the death of the employee will be entitled to receive and negotiate State Controller's warrants payable to the deceased employee. (Government Code Section 12479.) Instructions relating to this procedure are presented in SAM Section 8429.3. The Probate Code also provides for the release of funds and property of deceased persons. Instructions relating to this procedure are presented in SAM Section 8429.72.

## RELEASE OF WARRANTS OF A DECEASED STATE EMPLOYEE TO A PERSON DESIGNATED BY THE EMPLOYEE (Revised 8/81)

8429.3

Section 12479 of the Government Code reads as follows:

"Any person now or hereafter employed by the State may file with his appointing power a designation of a person who, notwithstanding any other provision of law, shall, on the death of the employee, be entitled to receive all warrants that would have been payable to the decedent had he survived. The employee may change the designation from time to time. A person so designated shall claim such warrants from the appointing power. On sufficient proof of identity, the appointing power shall deliver the warrants to the claimant. A person who receives a warrant pursuant to this section is entitled to negotiate it as if he were the payee."

This law permits State employees to designate an individual who on the death of the employee shall be entitled to receive and negotiate State Controller's warrants payable to that employee had the employee survived. Agencies will assure that employees are advised of this right and are afforded an opportunity to make such a designation. State Controller's warrants for payment of death benefits and refunds of employee retirement contributions cannot be released pursuant to this designation. This law relates only to State Controller's warrants and does not authorize agencies to release agency checks. Agency questions regarding the legality of the release of State Controller's warrants to a designee shall be referred to the agency's attorney or the Office of the Attorney General. Single persons with minor dependents shall seek legal advise in order to leave final warrants to a minor.

## DESIGNATION (Revised 8/81)

8429.31

Employees will be advised that a designation made pursuant to this law will remain in effect throughout their employment with the State unless the designation is superseded by the filing of a new designation (SAM Section 8429.32) or the designation is revoked (SAM Section 8429.33) and that the designation automatically will terminate on the date of the employee's separation from State employment.

Designations will be obtained on Designation of Person Authorized to Receive Warrants, Std. Form 243. Instructions for completion are on the form. The agency immediately will review the completed Std. Form 243 for correctness and write the date reviewed by the agency and the name of the reviewing agency employee on both copies. The agency will retain the original copy of Std. Form 243 and return the duplicate copy to the employee.

## CHANGE OF DESIGNEE (Revised 8/81)

8429.32

A designation made on a Designation of Person Authorized to Receive Warrants, Std. Form 243, may be changed by receipt of a new Std. Form 243, showing thereon the name of the new designee. The agency will review and route the form in the same manner shown above in SAM Section 8429.31.

In addition, the agency will draw a diagonal line across the face of the revoked Std. Form 243 and write thereon, "Superseded by Std. Form 243 received (date)." The duplicate copy of the new Std. Form 243, together with the original of the superseded Std. Form 243, will be returned to the employee.

## DISBURSEMENTS

## REVOCATION OF DESIGNATION (Revised 8/81)

8429.33

A designation made on a Designation of Person Authorized to Receive Warrants, Std. Form 243, can be revoked by receipt of a new Std. Form 243. The word "NONE" will be shown in the space provided for the designee name and will be processed in the same manner as in a change of designee.

A Std. Form 243 designation may also be revoked by letter to the employee's current appointing power and signed by the employee. Upon the receipt of such a letter, the agency will draw a diagonal line across the face of the revoked Std. Form 243, write thereon "Revoked by letter dated \_\_\_\_\_," retain the original of the letter, and return the revoked Std. Form 243 together with the duplicate of the letter to the employee.

## TRANSFER OF DESIGNATION FOR EMPLOYEE ACCEPTING EMPLOYMENT WITH ANOTHER STATE AGENCY (Revised 8/81)

8429.34

Designation of Person Authorized to Receive Warrants, Std. Form 243, filed by an employee will continue in effect until revoked by the employee or the employee leaves State service. Therefore, a designation on file from an employee that transfers to or accepts employment with another State agency will be forwarded with the employee's other personnel documents to the new employing agency.

## RELEASE OF WARRANTS TO DESIGNEE (Revised 8/81)

8429.35

Upon the death of an employee for which the agency has on file an unrevoked Designation of Person Authorized to Receive Warrants, Std. Form 243, the agency immediately will:

- . Initiate a "stop request" with the State Controller's Audits Division (SAM Section 8422.6) for any requested warrants payable to the deceased employee that otherwise the State Controller would mail directly to the employee, and request that these warrants be delivered to the agency.
- . Initiate reasonable efforts to contact the designee and to deliver the warrants due the deceased employee to the designee.

Warrants will be released to a designee only if an unrevoked designation, Std. Form 243, is on file in the agency and only in accordance with that designation. Agencies will not release warrants to a purported designee on the basis of a Std. Form 243 presented by the designee which the agency does not have in its official files.

Warrants due a deceased employee can be released only to a designee or claimant who is 18 years of age or over.

Warrants requested from the State Controller for amounts due a deceased employee which are to be released to a designee will name the deceased employee as payee. Amounts owed an employee who would have been paid, or for whom pay checks already are prepared, from the agency revolving fund must be claimed from the State Controller and paid by the State Controller's warrants.

Agencies, under circumstances prescribed herein, may release warrants payable to a deceased employee:

- . To the designee if the designee is located within sixty days following the death of the employee and if no other claim or request for delivery of these warrants is made orally or in writing to the agency.
- . To a proper claimant under the provisions of the Probate Code (SAM Section 8429.72) if the agency is not able to locate the individual designated by the employee within sixty days following the death of the employee or if the employee did not designate an individual to receive the warrants.

(Continued)

## DISBURSEMENTS

(Continued)

RELEASE OF WARRANTS TO DESIGNEE (Revised 8/81)

8429.35

- To the designee or another claimant if the individual designated by the deceased employee to receive the employee's warrants is located within the required sixty-day period but another individual orally or in writing also has requested the warrants under the provisions of the Probate Code (SAM Section 8429.72) provided either the designee or the other claimant agrees to this release of the warrants to the other individual by signing the following statement:

CONSENT AND WAIVER

I hereby consent to the delivery of California State Controller's Warrant(s) numbered \_\_\_\_\_ to (Recipient) \_\_\_\_\_, and I hereby waive and release any and all of my right, title, and interest in and to said warrants.

\_\_\_\_\_  
(Signature)\_\_\_\_\_  
Date\_\_\_\_\_  
(Witness)\_\_\_\_\_  
(Address)

This signed statement will be retained by the State agency and filed in the deceased employee's personnel folder. Under all other circumstances warrants due a deceased employee will be released only upon receipt of instructions from the agency's attorney or the Office of the Attorney General.

Warrants of a deceased employee will be released to the designee only upon receipt by the agency of a completed Request for Delivery of Warrants of a Deceased Employee. (See 8429.35 Illustration.) This form is not available from Materials Services, Office of Procurement, Department of General Services, and will be typewritten by the agency as needed. If the request will be signed in person by the designee at the agency's office, the request will be typewritten in duplicate by the agency as illustrated in 8429.35 Illustration. If the request will not be signed in person by the designee at the agency's office, the request will be typewritten by the agency as illustrated except that the following notary public's acknowledgment will be typed on the form in lieu of the "DESCRIPTION OF IDENTIFICATION OF DESIGNEE" section of the form:

NOTARY PUBLIC'S ACKNOWLEDGEMENT

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss

On this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he (she) executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year last above written.

(NOTARIAL SEAL)

Notary Public in and for the (City and) County  
of \_\_\_\_\_, State of \_\_\_\_\_

(Continued)

DISBURSEMENTS

(Continued)

RELEASE OF WARRANTS TO DESIGNEE (Revised 8/81)

8429.

All spaces provided on the Request for Delivery of Warrants of Deceased Employee form must be completed. The original completed and signed copy of the form will be retained by the agency in the deceased employee's personnel file as the agency's record of and authority for release of the warrants. The duplicate copy of the form may be given to the designee.

Upon the release of warrants to the designee, the agency will note on the request for delivery of warrants form the dates, numbers, and amounts of the warrants released.

IDENTIFICATION OF DESIGNEE (Revised 8/81)

8429.36

Sufficient identification must be presented by the designee to assure the agency reasonably that the applicant is the named designee.

If the designee submits the form by mail, or other than in person, at the agency's office, the notary public's acknowledgment identifying the designee will be sufficient identification of the designee.

If the designee personally appears at the agency's office, the agency will complete the "Description of Identification of Designee" section of the form, describing therein the identification presented, and the form normally need not be notarized. Two or more documents such as a social security card, driver's license, credit cards, etc. normally should be sufficient for identification. The designee's signature on such documents may be compared with the designee's signature on the request for delivery of warrants. Also, the designee's stated age and relationship may be compared to that shown on the designation form and that address compared with designee's address included by the deceased employee on the designation form. A statement by a current employee or any known person affirming the designee's identification is adequate and, if obtained, will be noted in the "Description of Identification of Designee" section of the request for delivery of warrants form. If the agency is not satisfied that reasonable identification of the designee has been presented, the agency may require the designee to obtain the notary public's acknowledgment required of designees not appearing in person.

ENDORSEMENT OF WARRANTS TO BE RELEASED TO DESIGNEE (Renumbered 2/65)

8429.37

Warrants payable to a deceased employee can be negotiated by a designee only if the agency releasing the warrants to the designee provides a special endorsement on each such warrant. This endorsement may be typed on the reverse side of each warrant if care is taken to assure that the holes punched in the warrant are not damaged. The endorsement will read:

The undersigned agency hereby certifies that pursuant to Section 12479 of the Government Code of California, the payee has designated

\_\_\_\_\_  
(Name of Designee)

to receive and negotiate this warrant, and that said designation is filed with this agency

\_\_\_\_\_  
(Name of Agency)

by: (Signature of Agency Representative)

Title: \_\_\_\_\_

The agency will insert the full name of the designee and the name of the agency in the spaces indicated. The authorized agency representative, whose title will be included in the endorsement, personally must sign each such endorsed warrant. The designee will be instructed to endorse the warrant at time of negotiation exactly as shown in the agency's endorsement of the warrant.

## DISBURSEMENTS

State of California

## REQUEST FOR DELIVERY OF WARRANTS OF A DECEASED EMPLOYEE

Name of Deceased Employee		Employee Number
Division and Department		Location of Employment
Home Address		
Name of Designee	Relationship	Designation (Form 243) Dated
Street Address	City and State	

(State Department and Address)

TO:

Pursuant to the provisions of Section 12479 of the Government Code of California, I, the undersigned, hereby request that any State of California warrants payable to the above-named deceased employee be delivered to me. I state the following facts in connection with this request:

THAT said employee died on or about \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_  
(location)

THAT I am the designee named above and designated in the designation Form 243 as above set forth, to receive such warrants.

THAT I am an adult.

I certify under the penalty of perjury that the foregoing is true and correct.

Executed at \_\_\_\_\_, California, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Signature of Designee

\_\_\_\_\_  
Present Address

\_\_\_\_\_  
DESCRIPTION OF IDENTIFICATION OF DESIGNEE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## DISBURSEMENTS

## RELEASE OF FUNDS OF DECEASED STATE EMPLOYEES AND FUNDS AND PROPERTY OF OTHER DECEASED PERSONS PURSUANT TO THE PROBATE CODE

GENERAL (Renumbered 2/65)

8429.71

State Controller's warrants for amounts due to deceased State employees that are not released pursuant to Government Code Section 12479 and the implementing procedure described in SAM Section 8429.3 and funds and property of other deceased persons may be released pursuant to the provisions of the Probate Code (1) to claimants qualifying under Section 630 of the Probate Code (SAM Section 8429.72) or (2) to the executor or administrator of the estate of a decedent (SAM Section 8429.73).

## RELEASE OF FUNDS AND PROPERTY OF DECEASED PERSONS PURSUANT TO SECTION 630 OF THE PROBATE CODE (Revised 5/81)

8429.72

Section 630 of the Probate Code as amended by Chapter 730, Statutes of 1979 and Chapter 955, Statutes of 1980, reads as follows:

"630. When a decedent leaves no real property, nor interest therein nor lien thereon, in this state, and the total value of the decedent's property in this state, excluding any motor vehicle, or mobilehome or commercial coach registered under the provisions of Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code, of which the decedent is the owner or legal owner, over and above any amounts due to the decedent for services in the armed forces of the United States, and over and above the amount of salary not exceeding five thousand dollars (\$5,000), including compensation for unused vacation, owing to decedent for services from any employment, does not exceed thirty thousand dollars (\$30,000), the surviving spouse, the children, lawful issue of deceased children, a parent, brothers or sisters of the decedent, the lawful issue of a deceased brother or sister, or the guardian or conservator of the estate of any person bearing such relationship to the decedent, or the trustee named under a trust agreement executed by the decedent during his lifetime, the primary beneficiaries of which bear such relationship to the decedent, if such person or persons has or have a right to succeed to the property of the decedent, or is the sole beneficiary or are all of the beneficiaries under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to such person or persons upon furnishing the person, representative, corporation, officer or body owing the money, having custody of such property or acting as registrar or transfer agent of such evidences of interest, indebtedness or right, with an affidavit or declaration under penalty of perjury showing the right of the person or persons to receive such money or property, or to have such evidences transferred."

This section of the Probate Code permits agencies to release to claimants (1) State Controller's warrants due deceased State employees which are not released under the authority and procedure described in SAM Section 8429.3, (2) amounts due deceased State employees that are not payable by State Controller's warrants, and (3) funds and property of other deceased persons without letters testamentary or letters of administration when such claimants are the beneficiaries under the last will and testament of the decedent or have a right to succeed to such funds or property because of their relationship to the decedent, if:

- . The decedent leaves no real property, no interest therein, nor lien thereon in this State

(Real property held in joint tenancy by a decedent at the time of his death is not considered as real property left by the decedent for the purpose of this provision since the surviving tenant becomes immediately entitled to sole ownership of the entire property at the time of the decedent's death.)

and

(Continued)

(Continued)

## RELEASE OF FUNDS AND PROPERTY OF DECEASED PERSONS PURSUANT TO SECTION 630 OF THE PROBATE CODE (Revised 5/81)

8429.72

- . The total value of the decedent's property in this State, excluding any motor vehicle, does not exceed \$30,000 over and above (a) any amount due the decedent for services in the armed forces of the United States and (b) any salary, including compensation for unused vacation, owing the decedent for services from any employment up to and including \$5,000.

(Personal property held in joint tenancy by a decedent at the time of his death is not considered as personal property of the decedent for the purpose of determining whether the decedent's estate exceeds the monetary limitation of this provision since the surviving tenant becomes immediately entitled to sole ownership of the entire property at the time of the decedent's death.)

State Controller's warrants due a deceased State employee who has designated an individual to receive such warrants in the event of the employee's death will be released as described in SAM Section 8429.35.

Funds and property of deceased persons to be released to claimants under Probate Code Section 630 will be released only after receipt of completed Request for Funds and Property of a Decedent forms. This form is not available from Materials Services, Office of Procurement, Department of General Services. The form will be typewritten as illustrated in 8429.35 illustration. Agencies will prepare:

- . An original copy to be given to the claimant.
- . A duplicate copy to be retained by the agency as the agency's record of and authority for releasing funds and property of decedents.
- . An additional copy to be given to the claimant when checks or warrants payable to the decedent are being released.
- . A copy to be attached to each claim schedule submitted to the State Controller's Office requesting the issuance of a warrant made payable to the claimant.

Claimants must certify under the penalty of perjury to the facts included on the request form. This is accomplished by the claimant signing the form. The request form need not be notarized. (See 8429.72 Illustration.)

Funds due a decedent may be released to the individual designated in the Request for Funds and Property of a Decedent in the form of checks or warrants made payable (1) to the individual designated in the Request for Funds and Property Due a Decedent or (2) to deceased employees or other deceased persons as payees. Agencies will not release funds due a deceased State employee pursuant to this section when the agency has on file an unrevoked Designation of Person Authorized to Receive Warrants, Std. Form 243, except as provided for in SAM Section 8429.35.

Checks drawn or warrants claimed that are to be made payable to the individual designated in the Request for Funds and Property of a Decedent forms will show the payees as follows:

(NAME OF CLAIMANT(S)) - Beneficiary (or Beneficiaries) of

(NAME OF DECEDENT) - Deceased

Claim schedules submitted to the State Controller's Office requesting the issuance of warrants made payable to the individual designated in request forms must include a copy of the request form in addition to the documentation normally required to support payments claimed.

(Continued)

STATE OF CALIFORNIA  
REQUEST FOR FUNDS AND PROPERTY OF A DECEDENT

Pursuant to Section 630 of the Probate Code I, the undersigned, an adult, hereby request the State Treasurer to pay and deliver to me the money on deposit and other personal property described below. I state the following facts in connection with this request:

(1) \_\_\_\_\_ died in the City of \_\_\_\_\_  
(Name of Decedent)  
State of California, on or about the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_;

(2) Said decedent leaves no real property, nor interest therein nor lien thereon, in this State. The total value of the decedent's property in this State, excluding any motor vehicle, over and above any amounts due to the decedent for services in the armed forces of the United States, and over and above the amount of salary not exceeding three thousand dollars (\$3,000); including compensation for unused vacation, owing to the decedent for services from any employment, does not exceed ten thousand dollars (\$10,000).

(3) At the time decedent died, said decedent

USE (A) had funds or property held in trust in the sum of \$ \_\_\_\_\_  
APPLICABLE (B) was the owner of certain warrant/s/ issued by the State of California  
PROVISION

No. \_\_\_\_\_ Dated \_\_\_\_\_ \$ \_\_\_\_\_

(4) I am the \_\_\_\_\_ of said decedent and  
(State Relationship)

CROSS (A) have a right to succeed to the property  
OUT (B) the sole beneficiary under the last will and testament of the  
(A) or decedent  
(B)

(5) I am entitled to the said money or personal property under the provisions of Section 630 of the Probate Code.

I certify under penalty of perjury that the foregoing is true and correct.

Executed at \_\_\_\_\_ California, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Number and Street)

\_\_\_\_\_  
City and State

## DISBURSEMENTS

(Continued)  
 RELEASE OF FUNDS AND PROPERTY OF DECEASED PERSONS PURSUANT TO SECTION 630 OF  
 THE PROBATE CODE (Revised 5/81)

8429.72

Agencies should instruct recipients of checks or warrants drawn to deceased employees or other deceased persons as payees to (1) endorse such checks and warrants substantially as follows:

(NAME OF PAYEE)  
 by: (Signature of Recipient)  
 Beneficiary (or Beneficiaries)  
 Per Section 630 Probate Code

and (2) present the original of the request form with the checks or warrants to support their endorsements of the checks or warrants. The request form is not to be stapled to the checks or warrants.

Agencies also should instruct recipients (1) that if there is more than one beneficiary all should join in certifying the request form and in the endorsement of the check or warrant and (2) that the check or warrant should be deposited in the recipient's bank in the usual manner and when presented to the State Treasurer through usual channels, if found to be in order, it will be paid.

Questions regarding the preparation of Request for Property and Funds Due a Decedent forms may be referred to the State Treasurer's Office. However, questions regarding the decedent's ownership or interest in real or personal property for the purpose of this law should be referred to an attorney.

RELEASE OF FUNDS AND PROPERTY OF DECEASED PERSONS PURSUANT TO LETTERS  
 TESTAMENTARY OR LETTERS OF ADMINISTRATION (Renumbered 2/65)

8429.73

Funds and property of deceased persons may be released to the executor or administrator of the estate of a decedent upon receipt of certified copies of letters testamentary or letters of administration. Agencies will retain a copy of the certified letters testamentary or letters of administration as the agency's record of an authority for releasing funds and property of deceased persons. A copy of the letters testamentary or letters of administration, in addition to the other documentation normally required to support payments claimed, will be attached to each claim schedule submitted to the State Controller's Office requesting the issuance of warrants made payable to the person designated in the letters testamentary or letters of administration. A reproduced copy (Thermafax, Photostate, etc.) of the letter will be accepted by the State Controller's Office. The dates, numbers, and amounts of any checks or warrants drawn to the decedent as payee and description of any property released should be noted on the agency's copy of such letters.

Funds due a decedent may be released to persons designated in letters testamentary or letters of administration in the form of checks or warrants made payable (1) to the persons designated in the certified copies of letters testamentary or letters of administration or (2) to the deceased employee or other deceased person as payee.

Checks drawn or warrants claimed that are to be made payable to the person designated in the certified copies of letters testamentary or letters of administration will show the payee as follows:

- Where payee is the executor

(NAME OF EXECUTOR) EXECUTOR OF THE LAST WILL AND TESTAMENT OF  
(NAME OF DECEDENT) DECEASED.

- When the payee is the administrator

(NAME OF ADMINISTRATOR) ADMINISTRATOR OF THE ESTATE OF (NAME OF DECEDENT) DECEASED.

(Continued)

STATE ADMINISTRATIVE MANUAL

DISBURSEMENTS

RELEASE OF FUNDS AND PROPERTY OF DECEASED PERSONS PURSUANT TO LETTERS  
TESTAMENTARY OR LETTERS OF ADMINISTRATION (Renumbered 2/65)

8429.73

Agencies should instruct recipients of checks or warrants drawn to deceased employees  
or other deceased persons as payees to endorse such checks and warrants substantially  
as follows:

(NAME OF PAYEE)

by: (SIGNATURE OF EXECUTOR OR ADMINISTRATOR)

(USE APPLICABLE TITLE\*)

\*(EXECUTOR OF THE LAST WILL AND TESTAMENT OF DECEASED PAYEE)

\*(ADMINISTRATOR OF THE ESTATE OF THE DECEASED PAYEE)